

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUSSELL JENNINGS,)	
)	Civil Action No. 2: 13-cv-796
Plaintiff,)	
)	Senior United States District Judge
v.)	Terrence F. McVerry
)	
MICHAEL MACHEN, Public Defender;)	United States Magistrate Judge
FRANK DERMODY, Assistant District)	Cynthia Reed Eddy
Attorney; and RAYMOND NOVAK, Retired)	
Common Pleas Judge,)	
)	
Defendants.)	

MEMORANDUM ORDER

On June 11, 2013, the above captioned case was initiated by the filing of a Motion for Leave to Proceed *in forma pauperis* (ECF No. 1) and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

On September 16, 2013, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 2) recommending that Plaintiff be granted leave to proceed in forma pauperis; however, it was also recommended that the Complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2) as the claims raised in the complaint are factually frivolous. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until October 3, 2013, to file written objections to the Report and Recommendation. To date, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23rd day of October, 2013:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED** for the purpose of filing the underlying complaint; and

2. This action is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 2) dated September 16, 2013, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

s/Terrence F. McVerry
Senior United States District Judge

cc: RUSSELL JENNINGS
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Duquesne, PA 15110